

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

GREG LEE DUGAS,)
)
 Plaintiff,)
)
 v.) No. 1:10CV00003 SNLJ
)
 ROGUE GOVERNMENT AGENTS)
 AND AGENCIES, et al.,)
)
 Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's "omnibus motion." The motion will be denied.

Plaintiff moves the Court to set aside its February 12, 2010, dismissal of this action because, plaintiff alleges, “the order is a product of fraud upon the court by the magistrate.” Plaintiff further moves for disqualification of the magistrate judge for bias. Plaintiff’s assertions are factually incorrect. No magistrate judge was assigned to this case. As a result, these requests will be denied.

Plaintiff further moves the Court to allow him to file an amended complaint or to appoint counsel to file an amended complaint. Plaintiff says he should be allowed to file an amended complaint to remedy any technical defects. Plaintiff does not state how he would remedy any defects, nor has he submitted a proposed amended

complaint. First, plaintiff's "right to amend as a matter of course ended with the entry of the judgment of dismissal." Fearon v. Henderson, 756 F.2d 267, 267 (2nd Cir. 1985), overruled on other grounds, Campos v. LeFevre, 825 F.2d 671 (2nd Cir. 1985); see United Steelworkers of America, AFL-CIO v. Mesker Bros. Industries, Inc., 457 F.2d 91, 93 (8th Cir. 1972). Second, plaintiff's complaint was not dismissed on "technical grounds"; it was dismissed as legally and factually frivolous pursuant to 28 U.S.C. § 1915(e). Finally, plaintiff does not have a right to have counsel appointed, and the request for counsel is moot. As a result, these requests will be denied.

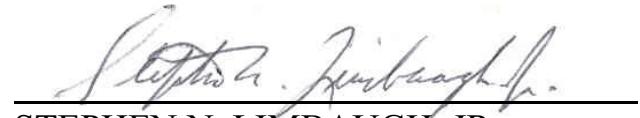
Plaintiff further moves the Court for a temporary restraining order and an evidentiary hearing. Plaintiff seeks to be moved to a one-person cell and to enjoin the State from prosecuting him on his pending charges. These requests are moot. Further, the Court finds that plaintiff is merely attempting to use the Court to interfere with his pending criminal prosecution and that such request is malicious. As a result, these claims will be denied.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's "omnibus motion" [#18] is **DENIED**.

IT IS HEREBY CERTIFIED that an appeal from this Order would not be taken in good faith.

Dated this 15th day of March, 2010.



STEPHEN N. LIMBAUGH, JR.
UNITED STATES DISTRICT JUDGE